

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CLEVELAND KEALOHAPAUOLE,

Plaintiff,

v.

CASE NO: 21-CV-12237

CORRECTIONAL OFFICER ITOE,

Defendants.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

This matter was referred to United States Magistrate Curtis Ivy, Jr. pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report filed on January 10, 2023, the magistrate judge recommended that this court deny Defendant's Motion for Summary Judgment based on failure to exhaust administrative remedies. (ECF No. 15).

No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

The Court ADOPTS the Report and Recommendation for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant Itoe's Motion for Summary Judgment (ECF No. 15) is **DENIED**.

¹The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 31, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 31, 2023, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522